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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

TYLER WALZ, STEPHEN STACY a/k/a STEVE STACY, FORREST BAYLESS, MARCUS CALDERON, DANNY MARR, Each Individually And On Behalf Of All Other Persons Similarly Situated,

Plaintiffs,

-against-

44 & X incorporated as 10TH AVENUE GROUP, INC., SCOTT HART, Individually, and BRUCE HOROWYTZ a/k/a BRUCE HOROWITZ, Individually,

Defendants.

12 CV 5800 (AJP)

**STIPULATION RE:
WITHDRAWAL OF
CONSENTS OF STEPHEN
RESSE SCELFO, JOHN
GARRIE HOFFMAN, AND
KAMERON ACKERMAN
TO BECOME PARTY
PLAINTIFFS;**

**ORDER APPROVING
WITHDRAWAL**

Plaintiffs Tyler Walz, Stephen Stacy (a/k/a Steve Stacy), Marcus Calderon, and Danny Marr (collectively, the "Plaintiffs") and Defendants 44&X incorporated as 10th Avenue Group, Inc., Scott Hart, and Bruce Horowytz (a/k/a Bruce Horowitz) (collectively, the "Defendants"), through their respective counsel, hereby stipulate as follows:

STEPHEN RESSE SCELFO

WHEREAS, Stephen Resse Scelfo, a putative collective action member, received notice of this action, and signed a document entitled Consent To Be A Party Plaintiff ("Consent Form"), which was filed with the Court on February 22, 2013 (Docket Entry No. 64) thereby giving his consent to become a party plaintiff in this action;

WHEREAS, Mr. Scelfo did not work at or for the Defendants within the applicable three-year limit of the Fair Labor Standards Act (the "FLSA");

WHEREAS, Plaintiffs and Defendants agree to the withdrawal of Mr. Scelfo's Consent Form.

JOHN GARRIE HOFFMAN

WHEREAS, John Garrie Hoffman, a putative collective action member, received notice of this action, and signed a document entitled Consent To Be A Party Plaintiff ("Consent Form"), which was filed with the Court on March 14, 2013 (Docket Entry No. 69) thereby giving his consent to become a party plaintiff in this action;

WHEREAS, Mr. Hoffman did not work at or for the Defendants within the applicable three-year limit of the Fair Labor Standards Act (the "FLSA");

WHEREAS, Plaintiffs and Defendants agree to the withdrawal of Mr. Hoffman's Consent Form.

KAMERON ACKERMAN

WHEREAS, Kameron Ackerman, a putative collective action member, received notice of this action, and signed a document entitled Consent To Be A Party Plaintiff ("Consent Form"), which was filed with the Court on March 27, 2013 (Docket Entry No. 70) thereby giving his consent to become a party plaintiff in this action;

WHEREAS, Mr. Ackerman did not work at or for the Defendants within the applicable three-year limit of the Fair Labor Standards Act (the "FLSA");

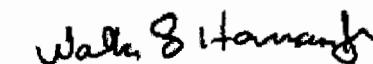
WHEREAS, Plaintiffs and Defendants agree to the withdrawal of Mr. Ackerman's Consent Form.

NOW, THEREFORE, through their respective counsel, THE PARTIES HEREBY STIPULATE AS FOLLOWS:

1. Messrs. Scelfo's, Hoffman's, and Ackerman's Consents to Join the FLSA Collective Action are hereby withdrawn;
2. Messrs. Scelfo, Hoffman and Ackerman are no longer parties to this action;
3. Messrs. Scelfo's, Hoffman's, and Ackerman's rights, if any, shall be determined as though they never signed the Consent Forms.

DATED: August 22, 2013

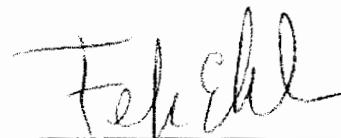
By:



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DATED: August 22, 2013

By:



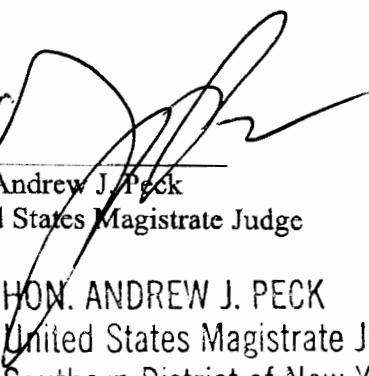
Felice B. Ekelman
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666 Third Avenue
New York, New York 10017
(212) 545-4000

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED that:

1. Stephen Resse Scelfo's, John Garrie Hoffman's, and Kameron Ackerman's Consents to Join the FLSA Collective Action are hereby withdrawn;
2. Messrs. Scelfo, Hoffman, and Ackerman are no longer parties to this action.
3. Messrs. Scelfo's, Hoffman's, and Ackerman's rights, if any, shall be determined as though they never signed the Consent Forms.

It is so ORDERED this 23 day of August 2013



Hon. Andrew J. Peck
United States Magistrate Judge

HON. ANDREW J. PECK
United States Magistrate Judge
Southern District of New York

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